

meyers nave riback silver & wilson
professional law corporation


Kimberly E. Colwell
Attorney at Law
510.808.2000

FILED

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Judge Frank C. Damrell, Jr.
United States District Court
501 "I" Street
Courtroom 1, 16th Floor
Sacramento, CA 95814

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

Re: *Phillips, et al. v. City of Fairfield, et al.*
U.S. District Court Case No. CIV S 04 0377 FCD PAN (Eastern District)

Dear Judge Damrell:

I write to notify both you and plaintiffs' attorney of some information regarding the above referenced matter that has recently come to my attention. One of the defendant officers in this case, Steven Ruiz, has informed me that his wife is scheduled to deliver their first child on November 11, 2006. While this would not normally be an issue with any impact on our case, Mrs. Ruiz has been told by her medical care providers that this is a high risk pregnancy. She is older and has had two prior miscarriages so she is being very closely monitored. Both her health and that of the baby are at issue.

Neither Officer Ruiz, nor his wife, have any family in the area to help out with the birth and follow up care. Officer Ruiz's family is in Texas and Mrs. Ruiz is an immigrant from Europe. She is completely dependent on Officer Ruiz for her care and that of their newborn.

Officer Ruiz plans to attend the trial beginning on October 31st, however, he will be on call and if Mrs. Ruiz goes into labor he will have to leave, likely for the duration of the trial. We all hope that the birth goes quickly and smoothly and on the anticipated date, however, knowing that this is not something that can be controlled, I felt it my duty to inform both the Court and Mr. Phillips of this development.

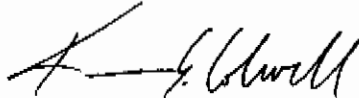
I will also inform the Court and Mr. Phillips if anything unanticipated happens with the Ruiz family. In the interim I plan to go forward as scheduled with all aspects of the trial. I just wanted to be sure to bring this to your attention.

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Thank you for your consideration of this matter. Please do not hesitate to contact me if you have any questions, would like me to appear before you for further discussion or if you require back up information from Steven Ruiz or his wife's medical care providers.

Very truly yours,

MEYERS, NAVE, RIBACK, SILVER & WILSON

A handwritten signature in black ink, appearing to read "K. E. Colwell", written in a cursive style.

Kimberly E. Colwell

KEC:edl

c: Mister Phillips, Esq.
Officer Steven Ruiz
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